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# HOUSE BILL No. 1641

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-16.

**Synopsis:** Towing vehicles from interstate highways. Provides that a person who stops, stands, or parks a vehicle in a clear zone located on the interstate system of highways for over two hours in certain counties, or for over 24 hours in others commits a Class C infraction and that the vehicle shall be removed by a police officer or freeway service patrol operator. Makes conforming amendments.

**Effective:** July 1, 2003.

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**Hasler**

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January 16, 2003, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1641

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) "Abandoned vehicle" means  
3 the following:

- 4 (1) A vehicle located on public property illegally.
- 5 (2) A vehicle left on public property without being moved for  
6 three (3) days.
- 7 (3) A vehicle located on public property in such a manner as to  
8 constitute a hazard or obstruction to the movement of pedestrian  
9 or vehicular traffic on a public right-of-way.
- 10 (4) A vehicle that has remained on private property without the  
11 consent of the owner or person in control of that property for more  
12 than forty-eight (48) hours.
- 13 (5) A vehicle from which the engine, transmission, or differential  
14 has been removed or that is otherwise partially dismantled or  
15 inoperable and left on public property.
- 16 (6) A vehicle that has been removed by a towing service or public  
17 agency upon request of an officer enforcing a statute or an

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ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.

(7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

**(b) "Abandoned vehicle" does not include a vehicle that is stopped, standing, or parked in a clear zone under IC 9-21-16-4.5.**

SECTION 2. IC 9-13-2-27.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 27.3. "Clear zone" has the meaning set forth in IC 9-21-16-0.3.**

SECTION 3. IC 9-13-2-69.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 69.5. "Freeway service patrol operator" has the meaning set forth in IC 9-21-16-0.5.**

SECTION 4. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b) **and (c)**, the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

(b) "Police officer", for purposes of IC 9-21-16-4.5 **except as provided in subsection (c)**, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(c) "Police officer", for purposes of IC 9-21-16-4.5, means the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A regular member of a county sheriff's department.

SECTION 5. IC 9-21-16-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.3. As used in this chapter, "clear zone" means the unobstructed, relatively flat area provided beyond the edge of a highway for the recovery of errant vehicles, including any shoulder or auxiliary lanes.**

SECTION 6. IC 9-21-16-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter, "freeway service patrol**

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operator" means a regular member of the Indiana department of transportation's freeway service patrol as defined by the Indiana department of transportation.

SECTION 7. IC 9-21-16-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) A person may not stop, stand, or park a vehicle in a clear zone for more than two (2) hours on a highway located in the interstate highway system in the following counties:

- (1) Allen County.
- (2) Bartholomew County.
- (3) Boone County.
- (4) Clark County.
- (5) Elkhart County.
- (6) Floyd County.
- (7) Hamilton County.
- (8) Hancock County.
- (9) Harrison County.
- (10) Hendricks County.
- (11) Jackson County.
- (12) Johnson County.
- (13) Lake County.
- (14) LaPorte County.
- (15) Madison County.
- (16) Marion County.
- (17) Morgan County.
- (18) Porter County.
- (19) St. Joseph County.
- (20) Scott County.
- (21) Shelby County.
- (22) Tippecanoe County.
- (23) Vanderburgh County.
- (24) Vigo County.
- (25) Wayne County.
- (26) Warrick County.

(b) A person may not stop, stand, or park a vehicle in a clear zone for more than twenty-four (24) hours on a highway located in the interstate highway system in a county not listed in subsection (a).

(c) In addition to the penalty provided in section 9 of this chapter, whenever a police officer or freeway service patrol officer finds a vehicle in violation of subsection (a), the police officer or freeway service patrol officer shall provide for the removal of the

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1 vehicle to a suitable place.

2 (d) A freeway service patrol officer authorized to provide for  
3 the removal of a vehicle under subsection (c) does not have powers  
4 of a police officer except the power granted under subsection (c).

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